

REMARKS

This Amendment is provided in response to the Office Action mailed August 18, 2008. Claims 90-94, 96, 97, 100, 102, 113-124, 126-139, 141-164, and 167-178 are currently pending and under examination. No claim amendments are made by the present Amendment.

Objection to the Specification

The specification is objected to for containing nucleotide or amino acid sequence disclosures not in compliance with the requirements of 37 CFR 1.821 through 1.825.

Applicant respectfully submits that the application has been amended to replace the paper copy of the sequence listing with a sequence listing text file, 690142_401_SEQUENCE_LISTING.txt. In addition, the specification has been amended to reflect the incorporation of the sequence listing into the application. Applicant respectfully submits that the above-identified application is now in compliance with 37 CFR 1.821-1.825 and WIPO Standard 25 and, therefore, requests that this basis of objection be withdrawn.

Obviousness-Type Double Patenting Rejection

Claims 90-94, 96-97, 100, 102, 113-124, 126-139, 141-164, and 167-178 stand provisionally rejected under the judicially created doctrine of obviousness-type double-patenting as allegedly being unpatentable over claims 1-15, 59-60, and 81-87 of copending U.S. Patent Application Serial No. 10/542,458. Specifically, the Examiner considers that although the conflicting claims are not identical, the claims of the instant application are generic to the '458 application.

Without acquiescence to this basis of rejection, Applicant submits with this Amendment a terminal disclaimer with respect to the '458 application, thereby overcoming this provisional rejection. Accordingly, Applicant respectfully requests that this basis of rejection be withdrawn.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Application No. 09/898,743
Reply to Office Action dated August 18, 2008

Applicant respectfully submits that all of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited. However, should any issues remain, the Examiner is urged to contact Applicant's undersigned representative at (206) 622-4900.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC

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CDL:jjl

Enclosures:

Sequence Listing
Terminal Disclaimer
Supplemental IDS Transmittal
Supplemental IDS

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